

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:08cv317

CHARLES ROBERT YOUNG,)

Plaintiff,)

vs.)

ADVANCE STORES COMPANY,)

INC. a/k/a Advance Auto Parts,)

Inc. and ADVANCE AUTO)

PARTS, INC.,)

Defendant.)

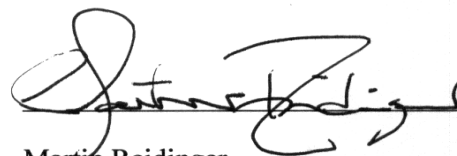
ORDER OF DISMISSAL

THIS MATTER is before the Court on the Defendants' Motion to Dismiss or, in the Alternative, for a More Definite Statement [Doc. 2], filed July 9, 2008.

The Plaintiff is represented by counsel in this matter. Nonetheless, Plaintiff has filed no response to the Motion and has done nothing to indicate to the Court that the Plaintiff opposes the Motion, even though the time for response has now passed nearly a month ago. The Court can only glean from this that the Plaintiff does not actively oppose the Motion.

In reviewing the Motion it appears to be of merit. While the Plaintiff presents claims that sound somewhat similar to generally recognized claims, including claims pursuant to the Age Discrimination in Employment Act (ADEA), the Plaintiff presents no ADEA claim, and gives no indication that he ever filed a charge of discrimination with the EEOC. Instead, Plaintiff attempts to assert some very novel claims pursuant to state law. For the reasons set out in the Motion, it does not appear that these novel claims present any claim upon which relief can be granted, at least not based upon the pleadings that Plaintiff has filed with this Court. As a result, the Court will grant the Motion.

IT IS, THEREFORE, ORDERED that Defendants' Motion to Dismiss or, in the Alternative, for a More Definite Statement [Doc. 2] is hereby **GRANTED** and this action is hereby **DISMISSED without prejudice**.


Martin Reidinger
United States District Judge



Signed: August 19, 2008